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• Practice Limited to
Federal Agencies

June 14, 2004

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Art Unit: 3745

Examiner: To Be Assigned

Confirmation No.: 1143

Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450

Re:

U.S. Utility Patent Application

Application No. 10/800,638; Filed: March 16, 2004

For: **Axle Driving System** Inventors: ABEND *et al.*

Our Ref:

0666.1000002/TGD/ALF

Sir:

Transmitted herewith for appropriate action are the following documents:

- 1. Information Disclosure Statement;
- 2. List of Documents cited on Form PTO/SB/08a (1 page); and
- 3. One (1) return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

Commissioner for Patents June 14, 2004 Page 2

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Albert L. Ferro

Attorney for Applicants Registration No. 44,679

ALF/awt Enclosures

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

ABEND et al.

Appl. No.: 10/800,638

Filed: March 16, 2004

For: Axle Driving System

Confirmation No.: 1143

Art Unit: 3745

Examiner: To Be Assigned

Atty. Docket: 0666.1000002/TGD/ALF

Information Disclosure Statement

Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450

Sir:

Listed on accompanying Form PTO/SB/08a are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Applicants have listed publication dates on the attached PTO/SB/08a based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent

application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

Applicants have checked the appropriate boxes below.

- ☐ 1. Statement under 37 C.F.R. 1.704(d). Each item of information contained in this
 Information Disclosure Statement was cited in a communication from a foreign
 patent office in a counterpart application and this communication was not
 received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty
 days prior to the filing of this information disclosure statement.
- 2. Filing under 37 C.F.R. § 1.97(b). This Information Disclosure Statement is being filed within three months of the date of filing of a national application other than a continued prosecution application (CPA), OR within three months of the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 in an international application, OR before the mailing date of a first Office Action on the merits OR before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. § 1.114. No statement or fee is required.
- 3. Filing under 37 C.F.R. § 1.97(c). This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection, or Notice of Allowance, or an action that otherwise closes prosecution in the application.
 - a. Statement under 37 C.F.R. § 1.97(e)(1). I hereby state that each item of information contained in this Information Disclosure Statement was first

cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

- b. Statement under 37 C.F.R. § 1.97(e)(2). I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
- c. Attached is our PTO-2038 Credit Card Payment Form in the amount of

 in payment of the fee under 37 C.F.R. § 1.17(p).
- I 4. Filing under 37 C.F.R. § 1.97(d) This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. Enclosed find our PTO-2038 Credit Card Payment Form in the amount of \$______ in payment of the fee under 37 C.F.R. § 1.17(p); in addition:
 - ☐ a. Statement under 37 C.F.R. § 1.97(e)(1). I hereby state that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

- b. Statement under 37 C.F.R. § 1.97(e)(2). I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
- 5. The document(s) was/were cited in a search report by a foreign patent office in a counterpart foreign application. Submission of an English language version of the search report that indicates the degree of relevance found by the foreign office is provided in satisfaction of the requirement for a concise explanation of relevance. 1138 OG 37, 38.
- 6. A concise explanation of the relevance of the non-English language document(s) appears below:
- 7. Copies of the documents are submitted herewith.
- S. Copies of the documents were cited by or submitted to the Office in an IDS that complies with 37 C.F.R. § 1.98(a)-(c) in Application Nos. 10/101,112, filed March 20, 2002 and 09/301,381,235, filed September 13, 1999, which are relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).

- 5 -

9. No copies of U.S. patents and patent application publications cited on the

attached Form PTO/SB/08a are submitted in accordance with 1276 OG 55

because this application was filed after June 30, 2003.

10. It is expected that the examiner will review the prosecution and cited art in the

parent application no(s). ______in accordance with MPEP

2001.06(b), and indicate in the next communication from the office that the art

cited in the earlier prosecution history has been reviewed in connection with the

present application.

It is respectfully requested that the Examiner initial and return a copy of the

enclosed PTO/SB/08a, and indicate in the official file wrapper of this patent application

that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee

deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Albert L. Ferro

Attorney for Applicants Registration No. 44,679

Date: June 14, 2004

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PTO/SB/08a (08-03)
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Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. Substitute for form 1449A/PTO Complete If Known Application Number 10/800,638 INFORMATION DISCLOSURE Filing Date March 16, 2004 First Named Inventor Robert ABEND STATEMENT BY APPLICANT Art Unit 3745 Examiner Name To Be Assigned (Use as many sheets as necessary) Attorney Docket Number 0666.1000002/ALF Sheet of 1

Examiner Initials*	Cite No. ¹	Document Number	Publication Date	Name of Patentee or Applicant of	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	
		Number-Kind Code ^{2 (If Known)}	MM-DD-YYYY	Cited Document		
	AA1	US-4,922,787	05-08-1990	Fujisaki et al.		
	AB1	US-4,932,209	06-12-1990	Okada et al.		
	AC1	US-4,942,780	07-24-1990	Fujisaki <i>et al</i> .		
	AD1	US-5,090,949	02-25-1992	Thoma et al.	-	
	AE1	US-5,094,077	03-10-1992	Okada		
	AF1	US-5,163,293	11-17-1992	Azuma et al.		
	AG1	US-5,335,496	08-09-1994	Azuma et al.		
	AH1	US-5,412,947	05-09-1995	Hirose		
	AJI	US-5,456,068	10-10-1995	Ishii et al.	_	
	AK1	US-5,528,958	06-25-1996	Hauser		
	AL1	US-5,697,264	12-16-1997	Andrews et al.		
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FOREIGN PATENT DOCUMENTS									
Examiner Initials*	Cite No. ¹	Foreign Patent Document Country Code ⁴ Kind Code ⁵ (in known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶			
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Examiner Signature	L D-1-	
Examiner Signature	Date	
	Considered	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with M PEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 'Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04.
³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶Applicant is to place a check mark here if English language Transaction is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.